

EXHIBIT V

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MELODY JOY CANTU and DR.)
RODRIGO CANTU,)
)
Plaintiffs,)
) CIVIL ACTION
VS.)
) NO.: 5:20-CV-00746-JKP
DR. SANDRA GUERRA and) (HJB)
DIGITAL FORENSICS)
CORPORATION, LLC,)
)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

MELODY JOY CANTU

(VIA ZOOM)

JULY 16, 2022

ORAL AND VIDEOTAPED DEPOSITION OF MELODY JOY CANTU,
produced as a witness at the instance of the DEFENDANT,
and duly sworn, was taken in the above-styled and
numbered cause on July 16, 2022 from 9:06 o'clock a.m.
to 2:17 o'clock p.m., Via Zoom, before
DEBBIE S. LONGORIA, CSR in and for the State of Texas,
reported by machine shorthand, pursuant to the Federal
Rules of Civil Procedure.

1 room that anybody can write on?

2 A. No.

3 Q. All right. Am I correct in my belief that the
4 only information that you'll be looking at during your
09:12 5 testimony are the exhibits that I share with you or ask
6 you to look at?

7 A. Yes, you are correct.

8 Q. And if anything changes during this testimony,
9 information becomes available to you from whatever
09:12 10 source in your room, will you let me know?

11 A. Yes.

12 Q. All right. When were you diagnosed with major
13 depressive disorder?

14 A. I would say in 2014 or 2015 when David and I
09:12 15 started getting divorced.

16 Q. Were you deposed in that divorce?

17 A. No.

18 Q. Have you ever been deposed in any of your
19 prior divorces?

09:12 20 A. No.

21 MR. EKELAND: Objection. You can answer.

22 Q. (By Ms. Peery) I'm sorry, what was your
23 answer?

24 A. No.

09:13 25 Q. What is major depressive disorder?

1 A. I don't know. I'm not a physician.

2 Q. What is your understanding, since you've been
3 diagnosed since 2014, what is your understanding of what
4 major depressive disorder is?

09:13 5 A. It's depression.

6 Q. What are your symptoms?

7 MR. EKELAND: Objection. You can answer.

8 THE WITNESS: I have trouble doing tasks
9 now, things are overwhelming, I'm awake a lot at night,
09:13 10 I have nightmares, simple tasks are overwhelming. It's
11 hard to focus at work.

12 Q. (By Ms. Peery) Anything else?

13 A. Sad.

14 Q. Anything else?

09:14 15 A. No.

16 Q. And who diagnosed you?

17 A. In 2014, I believe it was Boyce Elliot.

18 Q. Did you say Boyce, B-o-y-c-e?

19 A. Yes, Elliot. He's retired.

09:14 20 Q. He's retired. Are you seeing anyone else for
21 treatment of your major depressive disorder?

22 A. Yes.

23 Q. Who is that?

24 A. I see a nurse practitioner under Dr. Whidbee
09:15 25 in Boerne.

1 Q. Whitney?

2 A. Whidbee, W-h-i-t-b-e-e (sic), her name is
3 Hathaway.

4 Q. And is that -- where is that office?

09:15 5 A. In Boerne.

6 Q. When did you start seeing her?

7 A. About two months ago after Dr. Seals retired.

8 Q. When were you diagnosed with panic disorder
9 with agoraphobia?

09:15 10 A. I would say in 2018, '20 -- well, 2016.

11 Q. Who diagnosed you?

12 A. Randolph Pollock identified it.

13 Q. What is your understanding of what panic
14 disorder with agoraphobia is?

09:16 15 A. They're two --

16 MR. EKELAND: Objection. You can answer.

17 THE WITNESS: They're two separate
18 issues. Which would you like to hear about first?

19 Q. (By Ms. Peery) Tell me about the panic
09:16 20 disorder.

21 A. The panic disorder, it is elevated heart rate,
22 it is sweating, it is pain in the chest.

23 Q. So, would it be fair to say panic disorder,
24 it's not the same as just having anxiety or an
09:16 25 occasional panic attack, correct?

1 MR. EKELAND: Objection. You can answer.

2 THE WITNESS: I am not a physician.

3 Q. (By Ms. Peery) Okay. Do you have frequent
4 panic attacks?

09:16 5 MR. EKELAND: Objection. You can answer.

6 THE WITNESS: It depends on what you
7 would consider frequent.

8 Q. (By Ms. Peery) What do you consider frequent?

9 A. You would be asking me to speculate on
09:17 10 different things.

11 Q. I'm not asking you to speculate. I'm asking
12 you what you think --

13 MR. EKELAND: Objection.

14 Q. -- what you think frequent means.

09:17 15 MR. EKELAND: Objection. You can answer.

16 THE WITNESS: I would think every day,
17 but I don't have panic attacks every day.

18 Q. (By Ms. Peery) How often do you have panic
19 attacks?

09:17 20 MR. EKELAND: Objection. Asked and
21 answered. You can answer.

22 THE WITNESS: I don't have them every
23 day.

24 Q. (By Ms. Peery) I asked you how often you have
09:17 25 panic attacks.

1 A. I don't keep a journal.

2 Q. Give me your best estimate.

3 MR. EKELAND: Objection. Asked and
4 answered. You can answer.

09:17 5 MS. PEERY: She hasn't answered it yet.

6 MR. EKELAND: She's told you she doesn't
7 know and doesn't keep a journal. Let's move past it.

8 Q. (By Ms. Peery) The question was, can you
9 estimate how many panic attacks you have?

09:18 10 A. It varies on -- on what's going on in my life.

11 Q. Okay. Are they -- when was your last panic
12 attack?

13 A. I don't remember.

14 Q. Was it within the past two months?

09:18 15 MR. EKELAND: Objection.

16 THE WITNESS: I don't remember.

17 Q. (By Ms. Peery) You have no idea when your last
18 panic attack occurred?

19 MR. EKELAND: Objection. You can answer.

09:18 20 THE WITNESS: I don't remember.

21 Q. (By Ms. Peery) Do you report your panic
22 attacks to your treating physician?

23 A. No.

24 Q. How often do you receive treatment for your
09:18 25 panic disorder?

1 A. What do you mean treatment?

2 Q. How often do you go in to see the doctor?

3 A. I -- which doctor?

4 Q. Your current doctor.

09:19 5 A. I have more than one.

6 Q. The nurse practitioner.

7 A. My nurse practitioner, I have seen her three
8 times in three months. One was a new patient.

9 Q. Specifically for your panic disorder?

09:19 10 A. Not specifically for panic disorder.

11 Q. So, this --

12 A. I can't hear you, Brandy.

13 Q. So, this -- this Hathaway treats you for other
14 issues, not just your panic disorder?

09:19 15 A. Yes.

16 MR. EKELAND: Objection.

17 Q. (By Ms. Peery) You don't remember the last
18 panic attack you had?

19 A. No.

09:19 20 MR. EKELAND: Objection.

21 MR. CEDILLO: Tell her that if he says
22 objection, he still -- she still has to answer unless he
23 instructs her not to.

24 Q. (By Ms. Peery) To be clear, and I understand
09:19 25 we're on Zoom and we have, you know, some delay or

1 connectivity, when I ask you a question and your
2 attorney --

3 A. I answered it, Brandy.

4 Q. Ma'am, let me finish --

09:20 5 A. I said I don't remember.

6 Q. Ma'am, let me finish my statement. When we're
7 doing this, when I ask a question and your attorney
8 objects, you still must answer the question unless
9 you're instructed not to. Do you understand?

09:20 10 A. Yes. I've answered all your questions,
11 Brandy.

12 Q. What do you understand agoraphobia is?

13 MR. EKELAND: Objection.

14 THE WITNESS: You're asking me to
09:20 15 speculate.

16 Q. (By Ms. Peery) I'm asking you what your own
17 understanding is.

18 A. My understanding is I can't leave my house.

19 Q. You can't leave your house?

09:20 20 A. Not very often, no, not without someone with
21 me.

22 Q. Okay. And when did -- when did this develop?

23 MR. EKELAND: Objection.

24 THE WITNESS: It started in 2015.

09:21 25 Q. (By Ms. Peery) So, since 2015 you cannot leave

1 the house unless somebody is with you?

2 A. I choose not to leave the house unless I'm
3 going to the doctor by myself and they expect me, or I
4 have someone with me.

09:21 5 Q. Okay. Do you have any physical symptoms
6 associated with your panic disorder or agoraphobia?

7 MR. EKELAND: Objection.

8 THE WITNESS: They're two different
9 disorders. Please tell me which one you'd like me to
09:21 10 talk about first.

11 Q. (By Ms. Peery) Okay. Tell me your physical
12 symptoms associated with your panic disorder.

13 MR. EKELAND: Objection.

14 THE WITNESS: I believe we covered that.
09:21 15 I have chest pains, sweating, rapid heartbeat.

16 Q. (By Ms. Peery) Okay. What are the physical
17 symptoms associated with your agoraphobia?

18 MR. EKELAND: Objection.

19 THE WITNESS: I have hypervigilance. I
09:22 20 cannot be in the space or be out in public for, I guess,
21 more than 20 minutes without panicking, and it will
22 result in me leaving or going back home.

23 Q. (By Ms. Peery) When you have a panic attack,
24 does it just happen suddenly and unexpectedly?

09:22 25 MR. EKELAND: Objection.

1 your son?

2 A. No, he had left the practice.

3 Q. Okay. Okay. So to clarify, you met at the
4 end of 2009 or February 2010, but you didn't --

5 A. Around there.

6 Q. Okay. But, you did not begin dating until the
7 summer of either 2011 or 2012, correct?

8 MR. EKELAND: Objection. Objection.

9 THE WITNESS: I believe that's correct,
10:23 10 yeah.

11 Q. (By Ms. Peery) Okay. You married Dr. Cantu on
12 April 18th, 2014, correct?

13 A. Yes.

14 Q. Did you sign a Premarital Agreement?

10:23 15 A. I did.

16 Q. Okay. Whose idea was it to have a Premarital
17 Agreement?

18 MS. PEERY: Objection.

19 THE WITNESS: David's mother's.

10:24 20 Q. (By Ms. Peery) And --

21 A. And his father's. She was very adamant about
22 it. She was very ugly about it, in fact.

23 Q. Okay. Why was she adamant about it, to your
24 knowledge?

10:24 25 A. Because she felt that David was going to be my

1 Q. But, you filed a counter-petition for divorce,
2 too, didn't you?

3 A. I did.

4 Q. Why?

10:29 5 A. Because that's what I did.

6 Q. Why?

7 A. That was recommended --

8 Q. If Dr. Cantu --

9 A. -- by my attorney.

10:30 10 Q. Okay. When did you file your
11 counter-petition?

12 A. I don't remember the date. It's -- you --
13 it's in your exhibits, so we can reference that if you
14 want. I mean, I don't -- I don't remember the date.

10:30 15 Q. Okay. Shortly after Dr. Cantu filed his
16 petition, correct?

17 A. I don't remember how -- how quick it was, but
18 there is a counter-petition, I can -- I can tell you
19 that. We can look at the date.

10:30 20 Q. Okay. Dr. Cantu started the divorce on
21 November 5th, 2015, but he didn't finalize it until
22 several months later --

23 MR. EKELAND: Objection.

24 Q. -- on June -- on June 17th, 2016, correct?

10:30 25 A. Correct.

1 A. September.

2 Q. -- September when he lied to you about dating
3 me. I love David and I apologized to the girls." What
4 did you apologize to the girls for?

11:08 5 MR. EKELAND: Objection.

6 THE WITNESS: Well, okay. Tor, may I
7 answer?

8 MR. EKELAND: Yeah, you can answer.

9 THE WITNESS: Okay. Sandra did not agree
11:08 10 with the way that David chose to have them interact with
11 me, and so I had apologized because maybe as a first
12 time stepmom I could have done things a little bit
13 differently. That was in September of 2015.

14 Q. (By Ms. Peery) You apologized to the girls in
11:08 15 September of 2015?

16 A. Yes. And right there when it says "I was next
17 to him in September," that's actually referencing
18 Sandra's phone call in September of 2017 when she asked
19 if we were dating. So it says, "He lied to you about
11:09 20 dating me" because I was sitting next to her -- or next
21 to him when she called and I could hear it.

22 Q. Okay. And it says, "In all this, I want you
23 to know I read the letters you wrote in the divorce."

24 A. Her divorce, yes. I read the letters that she
11:09 25 wrote David in the divorce.

1 Q. The letters she wrote David in the divorce
2 that were filed with the court, is that what you're
3 referencing?

4 A. No, just letters that David had shared with
11:09 5 me.

6 Q. Okay. She had sent letters to David that he
7 showed to you?

8 A. Yes.

9 Q. Okay.

11:09 10 MS. PEERY: Kyle, would you mind
11 scrolling down, please, to the next page.

12 Q. (By Ms. Peery) Mrs. Cantu, do you still have
13 copies of those letters?

14 A. I'd have to go and look, but maybe.

11:10 15 Q. "I read how much you hurt and how hard it was
16 to deal with all the emotional, verbal abuse and
17 control. I went through it all exactly the way you
18 did."

19 A. Yes.

11:10 20 Q. What are you --

21 A. I empathized with her because she had wrote
22 that. It was very -- David was very difficult to live
23 with. She had wrote that -- I guess that they would
24 have an interaction where he was not kind to her and she
11:10 25 would accept his apology and 24 hours later he would do

1 the same thing. And he would not take any consideration
2 for the fact that he had just apologized or she would
3 convey the feelings about it. And so, I had experienced
4 that same -- same thing and it was hard.

11:10 5 Q. Dr. Cantu was emotionally abusive to you?

6 A. I think -- I think that he was very cruel at
7 times, yes.

8 Q. And was Dr. Cantu verbally abusive to you?

9 MR. EKELAND: Objection.

11:11 10 THE WITNESS: At times -- you'd have to
11 define what verbal abuse is for me.

12 Q. (By Ms. Peery) I'm asking what you meant in
13 your message when you said "I read how much hurt and how
14 hard it was to deal with all the emotional, verbal abuse
11:11 15 and control. I went through it all exactly the way you
16 did." What did you mean by verbal abuse?

17 A. Well, that's what Sandra had said in her
18 letter.

19 Q. When you said "I went through it all exactly
11:11 20 the way you did," what did you mean by --

21 A. I experienced the same --

22 Q. Let me finish the question.

23 A. I'm sorry, it's cutting out.

24 Q. What did you mean by verbal abuse?

11:11 25 MR. EKELAND: Objection.

1 please.

2 Q. (By Ms. Peery) Okay. Paragraph 25 states, "On
3 May 14th, 2018, Dr. Cantu contacted Melody Cantu asking
4 her to get back together again." Is that correct?

11:55 5 A. Yes.

6 Q. Okay. And then you remarried, correct?

7 A. Yes.

8 Q. When?

9 A. June 1st.

11:55 10 Q. What year?

11 A. 2018.

12 Q. So, about a month later after Dr. Cantu
13 contacted you and asked you to get back together?

14 A. I believe it's two weeks.

11:56 15 Q. Okay.

16 A. And we had -- we had agreed. I mean, I wasn't
17 going to be a secret anymore and I wasn't going to date
18 him. So, I said if you wanted to be with me, it needed
19 to have good intentions.

11:56 20 Q. Is that an ultimatum?

21 A. No.

22 MR. EKELAND: Objection.

23 Q. (By Ms. Peery) Okay.

24 MS. PEERY: Kyle, can you scroll down to
11:56 25 paragraph 31?

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MELODY JOY CANTU and DR.)
RODRIGO CANTU,)
)
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) NO.: 5:20-CV-00746-JKP
) (HJB)
DR. SANDRA GUERRA and)
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CORPORATION, LLC,)
)
Defendants.)

REPORTER'S CERTIFICATION
DEPOSITION OF MELODY JOY CANTU
JULY 16, 2022

I, Debbie S. Longoria, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, MELODY JOY CANTU, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

I further certify that pursuant to FRCP Rule 30(f)
(1) that the signature of the deponent:

_____ was requested by the deponent or a party before
the completion of the deposition and returned within 30

1 days from date of receipt of the transcript. If
2 returned, the attached Changes and Signature Page
3 contains any changes and the reasons therefor;

4 X was not requested by the deponent or a party
5 before the completion of the deposition.

6 I further certify that I am neither attorney nor
7 counsel for, related to, nor employed by any of the
8 parties to the action in which this testimony was taken.

9 Further, I am not a relative or employee of any
10 attorney of record in this cause, nor do I have a
11 financial interest in the action.

12 Subscribed and sworn to on this the 28th day
13 of July, 2022.

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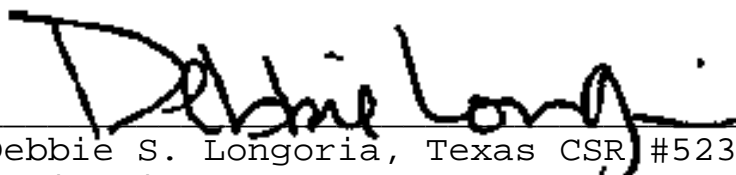
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